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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

WILDEARTH GUARDIANS and  
MONTANA ENVIRONMENTAL  
INFORMATION CENTER,

Plaintiffs,

vs.

DEB HAALAND, et al.,

Defendants.

Case No. CV 17-80-BLG-SPW-TJC

**DECLARATION OF DERF  
JOHNSON**

I, Derf Johnson, in accordance with the requirements of 28 U.S.C. § 1746 hereby declare:

1. I am 39 years old. I am a lifetime Montana resident and currently reside in Helena, Montana, but have also lived for extended periods of time in Bozeman, Missoula, and the Flathead.
2. I currently serve as the Clean Water Program Director for the Montana Environmental Information Center (MEIC). I have been employed by MEIC for over a decade in various capacities, but primarily have focused on policy and advocacy as it relates to climate change and the consumption and burning of fossil fuels.
3. I am also a sportsman and outdoorsman and find a great peace and solitude in the wild places of Montana.
4. In my professional life, I have developed long-standing relationships with the individual members of MEIC, who support our work both financially and through their advocacy. MEIC's members reside across Montana, and hail from a myriad number of backgrounds and lifeways.
5. Within the past decade, I have personally experienced a dramatic change to Montana's environment and climate. Generally, our summers are becoming hotter, drier, and more prolonged. There is frequently less water flowing in our rivers, and the temperature of the water in our rivers is often too hot for fish and other aquatic life, which leads to fishing closures. Fire season starts earlier, ends later, and is more intense.

These impacts are all consistent with leading scientific climate change projections for our state.

6. Growing up, we did not consider summertime to be “fire season,” but rather a possible part of summer. Now, a prolonged period of intense wildfires and accompanying smoke is almost a guarantee of every Montana summer.

7. I routinely check the air quality information before I make plans, and often modify or cancel my activities when the air quality is unhealthy. This past weekend (August 14-15), my partner and I cancelled plans to float the Madison River due to the unhealthy air quality and hoot owl fishing restrictions. This circumstance is becoming a pattern. My plans have been repeatedly altered or cancelled due to the extremely poor air quality this summer.

8. I’ve witnessed the change in Montana’s climate have an impact on Montana visitors and residents alike, including members of MEIC.

9. Rampant wildfires resulting from record high temperatures for prolonged periods this summer (which is directly tied to a warming climate) have caused significant losses of agricultural land and property. This summer’s fires, including the Richard Spring Fire, have burned the ranches of MEIC members. This situation has been chaos. While they managed to save their houses, they still do not know the fate of their cattle.

10. Ranchers and MEIC members who have worked their land sustainably from generation to generation are now facing enormous losses. Other MEIC members’ ranches have seen complete crop failures this summer due to the unprecedented heat and

drought. The level of stress caused by these disasters is overwhelming and raises the question of whether these ranches can continue their operations in the new “normal.”



*Figure 1 - The 2021 Richard Spring Fire in Southeastern Montana. Photos accessed on InciWeb at: <https://inciweb.nwcg.gov/incident/photographs/7794/>*

11. This summer’s extreme heat and drought have also caused significant reductions and losses of water for crops and livestock.
12. Guides and outfitters have lost business due to fishing closures from low flows and high temperatures in rivers and streams. MEIC members that have suffered a loss of business income due to fishing closures during the 2021 season.

13. MEIC members with sensitive health conditions, such as asthma, have suffered significantly from the abysmal air quality that is now pervasive during the summer months in Montana, and has been especially bad this summer. The elderly, infants, and individuals with sensitive health conditions are counseled by medical doctors to stay indoors during periods of unhealthy air. These time periods seem to be lasting longer every summer and will undoubtedly take a mental toll on individuals who are advised to limit exercise and exposure to the outdoors.

14. The summer of 2021 has been particularly devastating for certain members of MEIC. The losses associated with wildfires and fishing closures, and the impacts to personal health, are very real and serious to the livelihood and wellbeing of our members.



*Figure 2 - The 2021 Richard Spring Fire in Southeastern Montana. Photos accessed on InciWeb at: <https://inciweb.nwcg.gov/incident/photographs/7794/>*

15. Generational family farms and ranches are not just a business, but a livelihood and lifestyle that will be permanently altered by the changing climate. It will undoubtedly have serious financial implications for these operations. But it will also impact the social fabric of rural Montana communities that depend on agriculture.



*Figure 3 - The 2021 Richard Spring Fire in Southeastern Montana. Photos accessed on InciWeb at: <https://inciweb.nwcg.gov/incident/photographs/7794/>*

16. Outfitters and guides that are required to forego income because of fishing closures due to low flows and hot water are undoubtedly suffering economic harm in the form of reduced income from guiding and tips. These individuals will be especially impacted because of the seasonal nature of their business and the critical time period for making their income. Undoubtedly, guides and outfitters are increasingly questioning the stability and sustainability of their profession, and whether it will provide gainful and sustained employment in the future, or whether they need to develop a supplementary or new form of income.



*Figure 4 - The 2021 Richard Spring Fire in Southeastern Montana. Photos accessed on InciWeb at: <https://inciweb.nwcg.gov/incident/photographs/7794/>*

17. If climate change is left unmitigated or not addressed adequately, it is likely in the coming years that these impacts will not only continue but get worse—potentially to levels beyond adaptation. I am very concerned about the mining and burning of Spring Creek coal, which if allowed to proceed will undoubtedly contribute directly to the impacts currently plaguing members of MEIC. The Spring Creek Mine produces more GHG pollution than any other single operation in the state of Montana. In fact, it is one of the largest individual sources of GHG pollution in the world.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: August 19th, 2021.

A handwritten signature in black ink, appearing to read "Derf Johnson", written in a cursive style.

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Derf Johnson